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February 7, 2019

Hon. Robert M. Levy
United States Magistrate Judge
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Monica Morrison v. Robert Langrick: 1:18-cv-06127 (CBA) (RML)

Dear Judge Levy,

This is to follow-up on one issue addressed at this morning's initial conference, regarding whether the due date for our client to answer or move with respect to the counterclaims will be March 12 or March 18.¹

I'm sorry to have to bother Your Honor again about such a seemingly minor housekeeping matter. However, over and above our general concerns about the timing of what could turn out to be the major effort that would be required to draft a potentially dispositive motion to dismiss in response to the counterclaims, I find that there is another problem with the March 12 due date.

Thus, I am now advised that my co-counsel, Carol Schrager, is previously and unavoidably scheduled to be out of the country on business, from February 26 through March 12. This would mean that Ms. Schrager would be unavailable to assist in the drafting of our papers for the final two weeks up to and including the March 12 due date.

¹ Here is what Your Honor's Order of January 16, 2019, provided:

"ORDER granting [19] Motion for Extension of Time to Answer as follows: For the reasons explained in plaintiff's submissions, plaintiff's time to answer the counterclaims is extended 60 days at this time for good cause shown."

We had interpreted Your Honor's language: "extended 60 days *at this time*" to mean, 60 days from the date of your January 16 Order, or March 18.

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Therefore, the additional six days we had been expecting, by our calculations, through March 18, takes on an even greater significance.

Accordingly, I thank Your Honor in advance for whatever relief you are able to grant us, in a context where any “hardship” to the Counterclaimant, arising out of that additional six-day delay, would surely be no more than conceptual in relation to the very real and concrete problem that Ms. Schrager’s unavailability – for precisely the two weeks prior to March 12 – will cause to our ability to draft and to complete, our filing at that time.

Thank you for your consideration and we look forward to hearing from Your Honor, as soon as possible.

Respectfully submitted,

/s/

Henry R Kaufman
Attorney for Plaintiff

Cc: All counsel (VIA EFILE)